IN THE UNITED STATES DISTRICT COURT FOR THE

DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	8:09CR457
v.	)	
SHANNON WILLIAMS,	)	ORDER
Defendant.	)	

This matter is before the Court upon the government's motion to dismiss forfeiture allegation (Filing No. 1118) and motion regarding payment of funds pursuant to the Criminal Justice Act (Filing No. 1023), and defendant's (ex parte) motion for issuances of subpoenas (Filing No. 1078), motion in limine (Filing No. 1107), (ex parte) motion for subpoenas (Filing No. 1121), and motion for public trial (Filing No. 1128).

The government moves the Court for an order dismissing the forfeiture allegation count of the superseding indictment (Filing No. 360) without prejudice to the filing of an *in rem* complaint seeking forfeiture on those same items. Federal Rule of Criminal Procedure 48(a) provides, "[t]he government may, with leave of court, dismiss an indictment, information, or complaint." The Court has reviewed the transcript of the trial proceedings. The Court notes that the forfeiture allegation count was not mentioned during the Court's opening instructions, the voir dire of the jury, the parties' opening statements, or during the course of the trial, and accordingly, was not submitted to the jury. The Court finds the government's motion to dismiss the remaining forfeiture allegation count should be granted and the remaining forfeiture allegation count dismissed without prejudice, as the issues related to forfeiture can be more efficiently addressed in a civil proceeding.

The remaining motions addressed in this order (Filing Nos. 1023, 1078, 1107, 1121, and 1128) concern matters relevant to the forfeiture proceeding. Thus, they will be denied as moot and may be addressed by both parties in the future civil *in rem* proceeding. Accordingly,

IT IS ORDERED:

1) The government's motion dismiss forfeiture (Filing No. 1118) allegation is granted.

2) The remaining forfeiture allegation of the superseding indictment (Filing No. 360) is dismissed without prejudice.

3) The government's motion regarding payment of funds pursuant to the Criminal Justice Act (Filing No. 1023), and defendant's (ex parte) motion for issuances of subpoenas (Filing No. 1078), motion in limine (Filing No. 1107), (ex parte) motion

for subpoenas (Filing No. 1121), and motion for public trial (Filing No. 1128) are denied as moot.

DATED this 26th day of October, 2011.

BY THE COURT:

/s/ Lyle E. Strom

____
LYLE E. STROM, Senior Judge
United States District Court